

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

LAMARR JAMES,	:	
	:	
Plaintiff,	:	Case No. 3:23-cv-383
	:	
v.	:	Judge Thomas M. Rose
	:	
TRAVELERS COMPANIES, INC, <i>et al.</i> ,	:	Magistrate Judge Caroline H. Gentry
	:	
Defendant.	:	
	:	

**ENTRY AND ORDER ADOPTING REPORT AND RECOMMENDATION
(DOC. NO. 17)**

This insurance dispute is currently before the Court on the Report and Recommendation (“Report”) (Doc. No. 17) issued by Magistrate Judge Caroline H. Gentry. This action was originally filed in the Montgomery County Court of Common Pleas and assigned a case number in the state court. (*See* Doc. No. 1-3.) On December 19, 2023, Defendants removed the case to this Court, basing the Court’s jurisdiction on diversity of citizenship under 28 U.S.C. § 1332. (Doc. No. 1.) Upon initial review, Magistrate Judge Gentry determined that Defendants’ Notice of Removal of Civil Action (Doc. No. 1) failed to adequately establish an amount in controversy to invoke the Court’s jurisdiction here. (Doc. No. 9.) Magistrate Judge Gentry accordingly issued an Order to Show Cause (*Id.*) on December 28, 2023, and Defendants submitted Defendants’ Response to Court’s December 28, 2023 Show Cause Order [] in Opposition to Remand (Doc. No. 12) on January 11, 2024. Nevertheless, Magistrate Judge Gentry ultimately found the amount in controversy requirement of 28 U.S.C. § 1332 to be lacking in this case. (Doc. No. 17 at PageID

215.) Consequently, Magistrate Judge Gentry's Report recommends that the instant case be remanded to the Montgomery County Court of Common Pleas. (*Id.*)

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. Upon said review, the Court finds that Defendants have failed to show by a preponderance of the evidence that this case satisfies the jurisdictional amount in controversy requirement of 28 U.S.C. § 1332. Wherefore, the Court hereby **ADOPTS** the Report and Recommendation (Doc. No. 17), without objection, and **ORDERS** that this action be **REMANDED** to the Montgomery County Court of Common Pleas.

DONE and **ORDERED** in Dayton, Ohio, this Wednesday, April 10, 2024.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE